

## R E M A R K S

### **A. INTRODUCTION**

Claims 1, 2, 10-12, 14, 15, 32-36, and 41-43 are pending and rejected.

Claims 38 and 39 were previously withdrawn.

Claims 1, 10, 14, 32, 39, 39, and 41 – 43 are independent.

This response is filed without amendment.

Applicants respectfully request reconsideration of all of the Section 103(a) rejections. In particular, the cited references, alone or in combination, do not teach or suggest the desirability of embodiments generally in which *requested supplemental audio information is transmitted to a speaker of a telephone*.

### **B. SECTION 103(A) REJECTIONS**

Claims 1, 2, 10-12, 14, 15, 32-36, and 42 stand rejected as unpatentable over Palmer (U.S. Patent No. 5,438,355), Field (U.S. Patent No. 4,410,911) and Cifaldi (U.S. Patent No. 5,703,636).

Claims 41 and 43 stand rejected as being unpatentable over Palmer, Field, Cifaldi, and Kurtz (The New York Times, April 14, 1991, “Technology: A Way to Hear Stock Quotes While Watching Cartoons”).

We respectfully traverse all of the Examiner’s Section 103(a) rejections.

All of the independent claims (Claims 1, 10, 14, 32, 39, 39, and 41 – 43) recite a feature generally for in which *the requested supplemental audio information is transmitted to a speaker of a telephone*. As discussed in the Specification, some described embodiments may include requested supplemental audio information transmitted to a telephone receiver. In one example, a customer may make a telephone call to request and to listen to the supplemental audio using the telephone (e.g., making a conventional telephone call):

By utilizing his or her telephone, the customer communicates to the service controller 20 by making a conventional telephone call.

In step S2, the customer dials the 900 number telephone number...and is connected to the service controller 20.

[Specification, page 15, line 36 to page 16, line 3]; and

In step S4, the service controller 20 plays the selected supplemental audio information synchronized to the action occurring on the television program 30.... The customer receives the supplemental audio information via the telephone. Of course, the customer can use a speaker phone or other speaker means to facilitate listening to the supplemental audio information.

[Specification, page 16, line 30 to page 17, line 2 (emphasis added)].

The Examiner acknowledges that Palmer and Field do not suggest in which *the requested supplemental audio information is transmitted to a speaker of a telephone*. [Office Action, page 3].

The Examiner asserts:

However, Cifaldi teaches sending the additional audio signal 58 via decoder 56 and gate 42 to speaker of telephone 14 to reproduce the transmitted sounds (see col. 5, lines 4-16 and figure 1).

Therefore, it would have been obvious...to modify the combined system of Palmer and Field by sending sounds to a speaker of a telephone in a television system as taught by Cifaldi in order to provide the supplemental audio information to user in an inexpensive and fully effective manner.

[Office Action, pages 3-4].

We do not agree with the Examiner's assessment of Cifaldi. The Cifaldi videophone system (1) does not suggest supplemental audio information and (2) teaches away from providing audio information related to a broadcast television program via a telephone. Accordingly, Cifaldi does not teach or suggest in which *the requested supplemental audio information is transmitted to a speaker of a telephone*.

The cited portion of Cifaldi must be considered in context. Cifaldi describes a videophone system. We do not understand why the Examiner characterized "videophone audio signals, indicated by 58" as an "additional" audio signal, and we respectfully disagree with that determination. They are not "additional" or supplemental. To the contrary, the "videophone audio signals" are the audio heard by a user of the Cifaldi during a videophone call. Cifaldi does not suggest supplemental audio information, much less supplemental audio information related to a broadcast television program.

Cifaldi also clearly teaches away from providing audio information related to a television program via a telephone. Specifically, at the portion cited by the Examiner, Cifaldi describes how "television audio signals, indicated by 62" are provided to a VCR that is "conventionally interconnected to television 20 so that television audio and video signals may be immediately viewed and heard, rather than recorded." Column 5, lines 11-16 (emphasis added). According to Cifaldi, audio for television only goes to the VCR and television, not to a telephone. Cifaldi in fact supports our argument that it was not known or suggested in the prior art to provide supplemental audio information related to a broadcast television program via a speaker of a telephone.

Cifaldi does not teach *transmitting requested supplemental audio information is transmitted to a speaker of a telephone*, and does not suggest the desirability of providing for such a feature. Cifaldi does not suggest a caller or listener being able to listen to such supplemental audio information using a telephone or via a speaker of a telephone. To the contrary, Cifaldi describes receiving television audio information but only describes providing that television audio information via a television or VCR.

Accordingly, we submit that the Examiner has not established a *prima facie* case of obviousness for any of the independent claims (Claims 1, 10, 14, 32, 38, 39, and 41 – 43). We respectfully request reconsideration and withdrawal of the rejection of Claims 1, 2, 10-12, 14, 15, 32-36, and 41-43.

We respectfully note that Field is specifically limited to combining different audio signals within a frequency band for a television channel. To modify Field to split up this combined audio signal (as suggested by the Examiner) would directly contradict the primary objective of the Field system and destroy its principle of operation.

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the asserted motivations to combine the varied references, or the Examiner's interpretation of claimed subject matter, is not to be understood as agreement with the Examiner. As the claims are believed to be allowable at least in light of the present amendment for the reasons stated in this paper, we need not address the Examiner's other assertions at this time.

**C. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES**

We understand that a three-month extension of time to respond to the Office Action is necessary. Please grant a petition for any extension of time required to make this Response timely.

Charge: \$1020.00

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Please charge any appropriate fees set forth in §§ 1.16 – 1.18 for this paper and for any accompanying papers to Deposit Account 50-0271. Please credit any overpayment to the same account.

**D. CONCLUSION**

It is submitted that all of the claims are in condition for allowance. The Examiner's reconsideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at [mdowns@walkerdigital.com](mailto:mdowns@walkerdigital.com).

Respectfully submitted,

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Date

/Michael Downs 50252/  
Michael Downs  
Attorney for Applicants  
Registration No. 50,252  
[mdowns@walkerdigital.com](mailto:mdowns@walkerdigital.com)  
(203) 461-7292 /voice  
(203) 461-7300 /fax